

**UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF ADMINISTRATIVE LAW JUDGES**

The Secretary, United States Department of)
Housing and Urban Development, on behalf of)
Lloyd Stewart and Catherine Stewart,)
)
Charging Party)
)
v.)
)
Urbana MHP, LLC, Parkbridge Investment)
Group, Inc., McIntosh Management, Robin Daniels)
)
Respondents)
_____)

FHEO No. 05-02-1148-8

CHARGE OF DISCRIMINATION

A. JURISDICTION

On or about July 23, 2002, Complainants Lloyd and Catherine Stewart, aggrieved persons, timely filed a complaint with the U.S. Department of Housing and Urban Development (HUD)¹, alleging that Respondents Robin Daniels; Mary Daniels; Randy Daniels; Urbana MHP, LLC; Parkbridge Investment Group, Inc.; and McIntosh Management had discriminated against them because of Lloyd Stewart's race in violation of the Fair Housing Act as amended in 1988, 42 U.S.C. §3601 *et seq.* (the Act).²

The Act authorizes the issuance of a Charge of Discrimination on behalf of an aggrieved person following an investigation and a determination that reasonable cause exists to believe that a discriminatory housing practice has occurred. 42 U.S.C. §3610(g)(1) and (2). The Secretary has delegated to the General Counsel (54 Fed.Reg. 13121), who has redelegated to the Assistant General Counsel for Fair Housing Enforcement (67 Fed.Reg. 44234), the authority to issue such a charge, following a

¹ The complaint was originally dual-filed with the Ohio Civil Rights Commission. On August 28, 2003, HUD reactivated the complaint pursuant to 42 U.S.C. §3610(f)(2).

² The *Determination of Reasonable Cause* found reasonable cause to believe that Randy Daniels, a resident manager at the subject property at the time of his death, discriminated against the complainants in violation of the Act. However, Randy Daniels died intestate, and his estate is not named in this *Charge of Discrimination*. The *Determination of Reasonable Cause* found no reasonable cause to believe that Mary Daniels, Randy Daniels' wife and co-resident manager, participated in the discriminatory conduct.

determination of reasonable cause by the Assistant Secretary for Fair Housing and Equal Opportunity or his or her designee.

By *Determination of Reasonable Cause* of September 29, 2004, the Regional Director of HUD's Office of Fair Housing and Equal Opportunity for the Midwest, on behalf of the Assistant Secretary for Fair Housing and Equal Opportunity, determined that reasonable cause exists to believe that a discriminatory housing practice has occurred in this case based on race, and authorized and directed the issuance of this Charge of Discrimination.

B. SUMMARY OF ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned complaint and *Determination of Reasonable Cause*, Respondents Robin Daniels; Urbana MHP, LLC; Parkbridge Investment Group, Inc.; and McIntosh Management are charged with discriminating against Complainants Lloyd and Catherine Stewart, aggrieved persons, because of race in violation of 42 U.S.C. §§3604(b), (c) and 3617 as follows:

1. It is unlawful to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling because of race. 42 U.S.C. §3604(b).
2. It is unlawful to make any statement with respect to the rental of a dwelling that indicates any preference, limitation, or discrimination based on race, or an intention to make any such preference, limitation, or discrimination. 42 U.S.C. §3604(c).
3. It is unlawful to interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, any right granted or protected by the Act. 42 U.S.C. §3617.
4. The subject property, commonly known as Urbana Estates, is an 86-unit mobile home community located at 225 Logan Street, Urbana, Champaign County, Ohio, 43078.
5. Complainant Lloyd Stewart is a black male. He is the only black resident of the subject property. Complainant Catherine Stewart, a white woman, is Lloyd Stewart's wife.
6. Prior to April 2002, Complainants Lloyd and Catherine Stewart had resided at the subject property for approximately eight years, and paid lot rent for Lot 31.
7. On or around April 2002, Respondent Urbana MHP, LLC, purchased the subject property. Respondent Urbana MHP, LLC (hereafter "Urbana MHP"), is a Limited Liability Corporation registered in the State of Michigan.
8. According to a business entity search of the records of the Michigan Secretary of State, Respondent Parkbridge Investment Group, Inc. (hereafter "Parkbridge"), is a

for-profit corporation registered in Michigan, with the same office address and the same registered agent as Urbana MHP. Parkbridge is responsible for the operation of the subject property, as well as the operation of approximately 30 mobile home communities in Ohio, and elsewhere in the Midwest. According to the records of the Michigan Secretary of State, McIntosh Management (hereafter "McIntosh") is an assumed name of Parkbridge.

9. Subsequent to its purchase of the subject property, on or around April 7, 2002, Urbana MHP/Parkbridge/McIntosh appointed Randy Daniels and Mary Daniels, who resided at Lot 62 of the subject property, as resident managers.
10. On or around May and June 2002, Randy Daniels made the following statements to tenants at the subject property about Complainant Lloyd Stewart, indicating an intent to evict the Stewarts because of the race of Lloyd Stewart:
 - "We do not want any niggers living here and they can be evicted."
 - "There won't be any more like him move into this park."
 - [We are going to] "get rid of the niggers in the park."
11. Witnesses confirm that Randy Daniels made the above statements about the complainants. With regard to the second statement, the witness asked Randy Daniels if he was referring to Mr. Stewart's race, because the witness had a relative who was bi-racial. Randy Daniels did not reply. A friend and neighbor of the Stewarts relayed the above statements to them shortly after they were made.
12. On or around June 27, 2002, Randy Daniels died. On or around July 3, 2002, his son, Robin Daniels, who resided at Lot 42 of the subject property, was appointed by Urbana MHP/Parkbridge/McIntosh as his father's replacement.
13. On or around July 6, 2002, a witness and Complainant Lloyd Stewart, who was in his yard at the time, heard Respondent Robin Daniels loudly yell "nigger" as he drove slowly past Complainant Stewart's mobile home in his black Ford Ranger pickup truck.
14. On or around July 17, 2002, Complainant Lloyd Stewart telephoned the rental office to complain about what he considered a trespass on his property by management. When the telephone call ended, Respondent Robin Daniels called the local police and reported that Complainant Stewart had harassed him by making derogatory comments about his deceased father. Respondent Robin Daniels insisted that a charge of telephone harassment be filed against Lloyd Stewart.
15. On August 30, 2002, when Lloyd Stewart appeared in Champaign County Municipal Court to answer the telephone harassment charge, the case against him was dismissed on motion of the state.

16. On at least two occasions white residents of the park have called the resident managers and made threats against them. Urbana police records indicate that, on those occasions, the resident managers did not insist that charges be filed against the white residents.
17. Randy Daniels' three statements indicated a preference or limitation with respect to the continued rental of a dwelling, *viz.*, that blacks are not welcome at the subject property, in violation of 42 U.S.C. §3604(c). Respondent Robin Daniels' use of the word "nigger," on or about July 6, 2002, is also a violation of 42 U.S.C. §3604(c).
18. Respondents' conduct and treatment of the complainants interfered with their tenancy and violated their fair housing rights in violation of 42 U.S.C. §§3617 and 3604(b).
19. Urbana MHP, Parkbridge, and McIntosh Management are liable for the discriminatory acts of their agents, Randy Daniels and Robin Daniels.
20. As a result of Respondents' discriminatory conduct, Complainants Lloyd and Catherine Stewart have suffered financial damages and emotional distress, including embarrassment and public humiliation.

C. CONCLUSION

WHEREFORE, the Secretary of the U.S. Department of Housing and Urban Development, through the Office of the General Counsel, and pursuant to 42 U.S.C. §3610(g)(2)(A), hereby charges Respondents Robin Daniels; Urbana MHP, LLC; Parkbridge Investment Group, Inc.; and McIntosh Management with engaging in discriminatory housing practices because of race in violation of 42 U.S.C. §§3604(b), (c) and 3617, and prays that an order be issued that:

1. Declares that the Respondents' discriminatory housing practices as set forth above violate the Fair Housing Act, as amended, 42 U.S.C. §3601 *et seq.*;
2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them from discriminating because of race against any person;
3. Awards such damages as will fully compensate Complainants Lloyd and Catherine Stewart for their damages caused by Respondents' discriminatory conduct; and
4. Awards a civil penalty against the Respondents for each violation of the Act committed, pursuant to 42 U.S.C. §3612(g)(3).

The Secretary of HUD further prays for additional relief as may be appropriate pursuant to 42 U.S.C. §3612(g)(3).

Respectfully submitted,

Joseph A. Pelletier, Trial Attorney
Fair Housing Enforcement Division

Linda M. Cruciani
Assistant General Counsel
Fair Housing Enforcement Division

Of Counsel: Harry L. Carey, Associate General Counsel for Fair Housing

September 30, 2004